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| 09/822,822 | 04/02/2001 | Shinichi Baba | 04900.00001 | 8088 |
| 22907 | 7590 | 10/10/2006 | EXAMINER | |
| BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001 | | | JONES, PRENELL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Arguments

1. Applicant's arguments with respect to claims 1-8, 15 and 22-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1, 2, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah et al (US Pat 6,993,021) in view of Ioannidis et al (Non-Patent Literature/SIGCOMM Computer Communication Review).

Regarding claims 1, 2, 15 and 22, Chuah et al discloses in a telecom routing system that utilizes a soft handover process (col. 5, line 5-27), wherein the architecture includes a mobile in communication with multiple BS (mobile serviceable by both first/second base station), whereby there exist CDMA soft handover from one (a first BS) to another BS (a second BS) (Fig. 2), whereas during the handover process, IP-in-IP encapsulation tunneling is provided whereby data packets arriving at a first BS are forwarded/retransmitted to a second BS (Fig. 2). Chuah is silent on de-capsulation of data. In analogous art, Ioannidis discloses IP-based protocols for mobile internetworking wherein IP-in-IP encapsulation and de-capsulation scheme is utilized, (page 242, left column thru page 244, left column) wherein a learning feature is used which enables the MSS to encapsulate and stripping/de-encapsulate IP data packets. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing IP de-encapsulation in a mobile communication system as taught by Ioannidis mobile system with the teachings of Chuah mobile system for the purpose of further providing reliable routing and communicating coherent information between stations (end-to-end).

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Regarding claims 3-8 and 23-35, as indicated above, Chuah et al discloses in a telecom routing system that utilizes a soft handover process (col. 5, line 5-27), wherein the architecture includes a mobile in communication with multiple BS (mobile serviceable by both first/second base station), whereby there exist CDMA soft handover from one (a first BS) to another BS (a second BS) (Fig. 2.), whereas during the handover process, IP-in-IP encapsulation tunneling is provided whereby data packets arriving at a first BS are forwarded/retransmitted to a second BS (Fig. 2). Chuah is silent on removing the header. However, Ioannidis further discloses routing (page 242, right column thru page 244, right column) the MSS stripping/de-capsulate headers, thereby creating new headers that are routed with respect to forwarding strategies between a plurality of selected mobile hosts. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing removing the header as taught by Ioannidis with the teachings of Chuah for the purpose of further routing and communicating coherent data information.

Regarding claims 36 and 37, as indicated above, Chuah et al discloses in a telecom routing system that utilizes a soft handover process (col. 5, line 5-27), wherein the architecture includes a mobile in communication with multiple BS (mobile serviceable by both first/second base station), whereby there exist CDMA soft handover from one (a first BS) to another BS (a second BS) (Fig. 2.), whereas during the handover process, IP-in-IP encapsulation tunneling is

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provided whereby data packets arriving at a first BS are forwarded/retransmitted to a second BS (Fig. 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

October 1, 2006


CHI PHAM
SUPERVISORY PATENT EXAMINER

10/2/06